

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:05-CR-195-1H

UNITED STATES OF AMERICA            )  
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FONTELLE RICARDO GROVES            )

**ORDER OF FORFEITURE OF SUBSTITUTE ASSETS**

THIS MATTER comes before the Court on the United States' Motion for Forfeiture of Substitute Assets, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure and 21 U.S.C. 853(p). In consideration of the motion, the memorandum in support thereof, and the entire record in this matter, the Court finds as follows:

On October 4, 2005, this Court entered an Order of Forfeiture, ordering the defendant to forfeit \$50,000.00 U.S. Currency to the United States in the form of a money judgment, based upon the defendant Plea Agreement. On October 11, 2005, a Judgment in the amount of \$50,000.00 was filed against the defendant (DE # 18).

Based on further investigation by the United States Marshals Service, the United States has discovered the following asset belonging to the defendant: \$8,145.90 U.S. Currency located in the Federal Bureau of Prisons inmate trust account in the name of Fontelle Ricardo Groves, registration number 15526-056.

The Court finds that, pursuant to the provisions of 21 U.S.C. 853(p) and Fed. R. Crim. P.32.2 (e)(1)(B), the United States is entitled to the forfeiture of substitute assets, including the above-referenced property, in partial satisfaction of the defendant's \$50,000.00 outstanding money judgment.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that:

1. That based upon the Order of Forfeiture and Judgment as to the defendant, Fontelle Ricardo Groves, the interest of the defendant in the identified substitute assets is herewith forfeited to the United States for disposition in accordance with the law.

2. Upon the entry of this Order the Attorney General or his designee is authorized to seize the above listed property, whether held by the defendant or by a third party, and to take any other steps deemed warranted to preserve its availability for forfeiture pending the conclusion of any third-party proceedings which may be conducted in this matter.

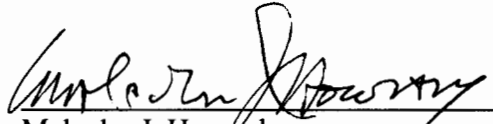
3. That any and all forfeited funds shall be deposited by the United States Marshals Service as soon as located or recovered into the Department of Justice Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

4. Pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

5. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 15<sup>th</sup> day of April, 2015.

  
Malcolm J. Howard  
Senior United States District Judge